

Plaintiff's Status Report - 1

On February 2, 2021, the Court stayed this case for 120 days, through June 2, 2021, and ordered Plaintiff to file a status report not later than March 1, 2021, on whether the Federal Defendants have announced any intent to revise or take other action on the Navigable Waters Protection Rule (2020 Rule). Dkt # 113.

Section 2(b) of one of President Biden's January 20, 2021, Executive Orders directs the Federal Defendants to submit a list of proposed actions that could be completed by December 31, 2021, to the Office of Management and Budget (OMB) not later than February 19, 2021. 86 Fed. Reg. 7037, 7038 (Jan. 20, 2021). The possibility that the Federal Defendants would include the 2020 Rule on this February 19 list is one of the bases on which the parties agreed to stay the case.

Plaintiff is informed by the Federal Defendants that any list submitted by Defendant EPA to OMB pursuant to the January 20, 2021, Executive Order will not be released to the public. As a result, there is no information about possible agency action related to the 2020 Rule that Plaintiff is able to report to the Court at this time.

Plaintiff will update this status report if additional information becomes available, and does not propose to alter the existing stay at this time.

DATED: February 26, 2021.

Respectfully submitted,

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